

July 9, 2015

The Board of Zoning Appeals for the Town of Sullivan's Island met on the above date at Town Hall, all requirements of the Freedom of Information Act having been satisfied.

Board members present: Elizabeth Tezza, Chair
Summer Eudy
Thom Hiers
Delores Schweitzer

Staff present: Joe Henderson
Randy Robinson
Ellen Miller

Chair Tezza called the meeting to order and stated all Freedom of Information Act requirements had been met.

Motion was made by Summer Eudy, seconded by Delores Schweitzer, to approve the Minutes of the May 14, 2015 meeting; carried unanimously.

Chair Tezza administered the oath to all participants, and asked Zoning Administrator Joe Henderson to present the first application.

1908 I'on Avenue. Sandlapper Design Group, applicant in behalf of property owner Michael Woody, requests an historic accessory dwelling unit special exception for a Traditional Island Resource located within the RS Zoning District.

Mr. Henderson stated the applicant is requesting the special exception which involves designating the historic structure to become an accessory dwelling unit, while allowing the construction of the new home on the property. The new structure received conceptual approval by the Design Review Board on June 17, 2015, and would need to get final approval from the Design Review Board if the Board of Zoning Appeals approves this special exception. This historic structure is fronting on 1908 I'on Avenue; the new construction would be fronting on Middle Street. The vehicular access will be maintained on Ion Avenue. The Board of Zoning Appeals needs to determine if this request meets the condition of Zoning Code 21-178.

Chair Tezza asked the applicant to present.

Jim Henshaw with Sandlapper Design Group stated from a scale perspective, the design pulls the new construction away from Middle Street as much as possible. The house is basically centered on the side setbacks as to not crowd either lots next door. Based on the flood zone, the elevation is lowered as much as possible, and the Design Review Board agreed the mass of this house fits in well with the surrounding structures. The historic cottage is under 1,000 square feet.

Mr. Henderson stated that along Middle Street most of the homes do orient toward Middle Street. The applicant is proposing a pool to be located in the center of the lot, separating the two structures. This property will need to be deed restricted. The historic cottage may be rented long term; however the larger home has to be owner-occupied. That owner also has to share the same interest of ownership in both structures, so there cannot be any type of horizontal property regime, and the applicant is aware of that.

At this time public comment was closed.

Motion was made by Summer Eudy, seconded by Delores Schweitzer, to grant the special exception based on the fact that it appears there have been adequate provisions made for items such as setbacks and fences; and that the property will be buffered appropriately with plantings, etc to protect the adjacent properties from possible adverse influence of the proposed use with the second structure such as noise, vibration, dust, glare, odor, traffic congestion and similar factors. It appears there will be no adverse effect on vehicular traffic or pedestrian movement and the adjacent road shall not be hindered or endangered by the granting of the special exception. It does not appear the off-street parking and loading areas or the entrance and exit of these areas shall be affected in terms of location, amount, design and construction of the proposed second structure. The proposed use appears to be compatible with the existing use in the area of the island to the extent that such will not adversely affect the level of property values, general character, or general welfare of the nearby area. The special exception would be contingent upon compliance with section 21-20 C 2, Including H, carried unanimously.

1509 Middle Street. Chair Tezza stated for the record she granted a rehearing of the administrative appeal and variance request on this application discussed at the last meeting because the applicant was not notified of the meeting date and time according to procedure.

Before Mr. Henderson gave an overview, Mr. Bill Barr, attorney for the applicant Carl Jacobson, stated they wanted to ask for a continuance.

Mr. Barr stated that the applicant would like to avoid the entire Board of Zoning Appeals process. Mr. Jacobson would bring his fence into compliance to resolve that issue. The applicant wanted to ask the Design Review Board to align the property so the primary façade is on Station 16. Then where the carport structure is currently becomes the side yard. The Design Review Board could approve to reduce the setbacks by 40%, and the structure could be relocated to meet that setback.

Chair Tezza stated the Board did discuss this last month, and what was noted was the front door faces Middle Street, it has a Middle Street address, and it has a house behind it. The normal procedure on the island is the house is supposed to face the ocean unless you are facing a street away from the ocean and there is a house behind you that you cannot face the street on the ocean side. Many of the houses on the island are on a corner where the owners do not enter the house from their street address street. The Board was of the opinion that if this was allowed owners might want to change their address for whatever reason in order to have a lesser variance or no variance at all.

Chair Tezza stated the applicant should withdraw his appeal and variance request if he intends to go to the Design Review Board. Mr. Barr stated that if he withdraws the variance, enforcement actions could begin. The continuance is being requested so there will not be enforcement action, and from a legal standpoint, it preserves the applicant's legal rights to ensure he would have the time to file an appeal in circuit court. If the Design Review Board approves the request, then the entire matter is resolved. The applicant is asking for a continuance on the variance and the administrative appeal.

Summer Eudy noted that the Board did take time at the last meeting, even though the applicant was not present, to discuss the application in detail. She believed procedurally a continuance should be granted.

Motion was made by Summer Eudy, seconded by Delores Schweitzer, to continue the appeal and variance request for 1509 Middle Street to the September monthly meeting for the Board of Zoning Appeals, carried unanimously.

Motion was made by Delores Schweitzer, seconded by Summer Eudy to adjourn at 6:45 pm, carried unanimously.

Respectfully submitted,


Ellen Miller